

REMARKS

Applicant appreciates the indication of allowable subject matter given to Claim 4 by the Examiner. In accordance with the Action, Claim 4 has been rewritten in independent form to include any intervening features, and therefore should be deemed allowable.

Claim 2 has been canceled without prejudice or disclaimer. Claims 1 and 3 have been amended.

Amendments to the specification and claims have been done without the addition of any new matter as support may be found in relevant portions of the specification and drawings (e.g., FIGs. 1-2).

Reconsideration of the application is respectfully requested.

1. Rejection of Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,561,737 (Bowen) and U.S. Patent 4,591,671 (Pinede)

Claims 1-3 stand rejected as being unpatentable over Bowen and Pinede. Although claim 3 is not specifically mentioned in the arguments for rejection, it is assumed for the purposes of this response that claim 3 was examined and stands rejected using the same references that were used for claims 1-2. For the reasons discussed below, Applicant respectfully traverses this rejection by asserting that Bowen and Pinede, either alone or in combination, fail to disclose, suggest, or teach at least one element of claim 1. Further, Claim 3, which depends from claim 1, is also patentable based on its dependency and individually recited elements.

a. Invention Distinguished

Claim 1, as amended, recites a microphone testing device including a control panel mounted on a main body and provided with a plurality of receiving holes for receiving a plurality of microphones, said control panel further provided with a plurality of switches corresponding in location to said receiving holes, and a plurality of light-emitting diode (LED) indicator lamps corresponding in location to said receiving holes and said switches, wherein one of said plurality of switches is activated to light up a corresponding LED indicator lamp for testing tone quality of a selected microphone.

b. References Distinguished

Bowen discloses a voice-actuated switching system where a best-suited microphone during an active voice conference system may be selected to output audio signals based on comparison of output signal levels from each of the microphones (see FIGs. 1-2; Abstract; relevant portions of specification). Pinede discloses a telephone having built-in test capability of telephone functions and where a plurality of special operational features may be implemented using a switch (86 to 93) associated with a corresponding LED indicator lamp (40 to 47) (see FIGs. 1, 8-9; col. 4, lines 13-33; col. 9, lines 42-61).

The Action expressly admits that Bowen fails to disclose the recited features of a plurality of corresponding switches and LED lamps associated with the microphones, and wherein one of said plurality of switches is activated to light up a corresponding LED indicator lamp for testing tone quality of a selected microphone.

Further, Pinede fails to disclose the combination of these features as Pinede solely activates a switch and associated LED lamp to indicate operation of a special feature (e.g., hands-free microphone or handset microphone), or will light up an LED lamp to

indicate testing of one of the microphones but without activation of the corresponding switch as recited.

Specifically, Pinede states that "...switches 86 to 93 and associated indicator lamps 40 to 47 are used to implement special features associated with the key telephone system. For example,...switch 87 and associated lamp 43 could be used to turn a hands-free microphone in telephone 10 on or off...FIG. 8 shows the HANDSET MICROPHONE test routine...the routine is entered at box 410, which passes control to box 412 for flashing of the fifth LED (LED 24) indicating that test 5 is in progress." (See FIGs. 1, 8; col. 4, lines 13-33; col. 9, lines 42-46). Thus, Pinede activates a switch and associated LED regarding a microphone solely for operational purposes or tests the microphone by activating an associated LED but not an associated switch.

Activating one of a plurality of switches to light up a corresponding LED to test tone quality of a selected microphone as recited is significantly distinct from activating a switch/LED for actually operating a microphone rather than testing, and significantly distinct from activating just an associated LED to test the microphone. Further, as evident from the cited reference themselves (e.g., Pinede) which describe testing and operation distinctly, there is a significant distinction between operating a microphone as disclosed in Pinede and testing a microphone as recited making our claimed invention clearly distinguished from the cited references.

Thus, no combination of Bowen and Pinede produces the recited feature of one of said plurality of switches being activated to light up a corresponding LED indicator lamp for testing tone quality of a selected microphone.

Accordingly, Applicant submits that Bowen and Pinede, either alone or in combination, do not disclose, suggest or teach the claimed invention of claims 1 and 36. Withdrawal of the rejection is respectfully requested.

3. Conclusion

In view of the amended claims and the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1, and 3-4 be allowed and the application be passed to issue.

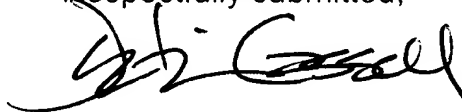
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-0200 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

The Examiner is invited to contact the undersigned at (703) 683-0500 to discuss the application.

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, VA 22314-1176
Phone: (703) 683-0500
Facsimile: (703) 683-1080
Date: January 27, 2005

01-25-05 amendment.wpd

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Caspell", written over a horizontal line.

JUSTIN J. CASSELL
Attorney for Applicant
Registration No. 46,205